

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EVAN BROWN,

Plaintiff,

v.

ADRIENNE MONROY, *et al.*,

Defendants.

No. 1:22-CV-01401

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

OCTOBER 29, 2024

Plaintiff filed the instant action on September 8, 2022, and it was eventually jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On September 30, 2024, Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that I dismiss Plaintiff’s false arrest, false imprisonment, and failure to intervene claims but otherwise deny the Motion to Dismiss filed by Defendants Adrienne Monroy, Michael Smith, and Arthur Etnoyer, Jr.

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

No objections to the report and recommendation have been filed. Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴

Because the Court writes solely for the parties, it will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. The Court has conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Carlson’s Report and Recommendation (Doc. 47) is **ADOPTED** in full;
 2. Defendants Adrienne Monroy’s, Michael Smith’s, and Arthur Etnoyer, Jr.’s Motion to Dismiss (Doc. 41) is **GRANTED IN PART**;
 - a. Plaintiff Evan Brown’s false arrest, false imprisonment, and failure to intervene claims under 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**;
 3. Defendants’ Motion to Dismiss (Doc. 41) is **OTHERWISE DENIED**;
- and

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

4. This matter is remanded to Magistrate Judge Carlson.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge